

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2095.04
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	February 18, 2004
DATE OF REPORT:	March 12, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	April 20, 2004

**COMPLAINT ISSUES:**

Whether the Oak Hill United School Corporation and the Grant County Special Education Cooperative violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically, by failing to provide a weekly grade report.

**FINDINGS OF FACT:**

1. The Student is fifteen years old and is eligible for special education and related services as a student with an emotional disability.
2. The Complainant asserts that per the IEP, the School is to submit weekly grade reports to the Complainant and failed to do so until the second semester of the 2003-2004 school year. The School acknowledges that weekly grade reports were not sent to the Complainant during the fall semester of the 2003-2004 school year.
3. The Student's September 3, 2004, IEP requires "consultation to/from resource/general education teachers. Communication from staff to home—weekly basis." Additionally, the IEP documents: "Continue weekly reports from general education teachers to Resource Teacher to home." The IEP does not specify the content of the weekly progress reports. Additionally, the IEP does not require the School to submit to the Complainant the Student's weekly grades.

**CONCLUSION**

1. Findings of Fact #2 and #3 indicate that the IEP lacks specificity with regard to the content of the weekly progress reports. IEPs and case conference reports must have sufficient clarity so that both the parent and school personnel know what services a student is to receive, from whom, and whatever other resources will be employed for this endeavor. Where an ambiguity exists in the IEP, the ambiguity will be construed against the School that is responsible for its development and implementation. Regardless of the required content of the reports, the School failed to send to the Complainant weekly reports. Therefore, a violation of 511 IAC 7-27-7(a) is found.

**The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The Oak Hill United School Corporation and the Grant County Special Education Cooperative shall:

1. Reconvene the case conference committee to specify the contents of the weekly report, and submit to the Division by April 16, 2004, an assurance statement that progress reports will be provided as required by the IEP.